

Nottingham City Council

Commissioning and Procurement Executive Committee

Minutes of the meeting held at Loxley House, Station Street, NG2 3NG, on 14 December 2021 from 10.15 am - 11.00 am

Membership

Present

Councillor Sam Webster (Chair)
Councillor Eunice Campbell-Clark
Councillor Sally Longford
Councillor Adele Williams

Absent

Councillor Cheryl Barnard (Vice Chair)

Colleagues, partners and others in attendance:

Uzmah Bhatti	- Senior Public Health Insight Manager
Lucy Hubber	- Director of Public Health
Peter Ireson	- Venue Director, Theatre Royal / Royal Concert Hall
Mark Leavesley	- Governance Officer
Bobby Lowen	- Commissioning Lead
Steve Oakley	- Head of Contracting and Procurement
Andrew Smith	- Assistant Fleet Manager

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 23/12/2021. Decisions cannot be implemented until the working day after this date.

27 Apologies for Absence

Councillor Barnard - personal

Shaun Miles
Ceri Walters

28 Declarations of Interests

None.

29 Minutes

The Committee confirmed the minutes of the meeting held on 09 November 2021 as a correct record and they were signed by the Chair.

30 Public Health Commissioning Framework

This item does not contain any decisions that are eligible for call-in.

Councillor Williams, Portfolio Holder for Adults and Health, and Lucy Hubber, Director of Public Health, presented the report, which detailed the Public Health Commissioning Strategy and Framework 2022/23, setting out the approach and key

priorities (intentions) for the expenditure of the ring-fenced public health grant in 2022/23. The Framework outlines how the Council, under its statutory duty to improve the health and wellbeing of the local population, will assure that the grant is spent in support of strategic priority areas, maximising the positive impact on health and wellbeing outcomes for the Nottingham population and reducing inequalities.

In response to a question regarding how needs are prioritised, Ms Hubber stated that joint health and wellbeing strategies and the Council Plan would feed into the framework, and that the Joint Health Committee and her (as Director of Public Health) would ensure value for money etc.

Resolved to adopt the Public Health Commissioning Strategy and Framework 2022/23, which sets out the approach and key priorities (intentions) for spend from the ring-fenced public health grant in 2022/23.

Reason for recommendation

The Public Health Commissioning Strategy and Framework (Appendix A) sets out the approach and key priorities (intentions) for the expenditure of the public health grant in 2022/23. Approval and application of the principles and processes set out within the Framework will ensure that the public health grant is spent in support of strategic priority areas, in such a way that maximises the positive impact on health and wellbeing outcomes for Nottingham residents. It will also provide a process for demonstrating that expenditure is subject to proper governance in line with the Councils constitution and public health grant determination requirements.

Other options considered

Do nothing – this option has been rejected as a result of the risks associated with investing the public health grant without an overarching strategy and framework, and the governance processes set out within it. The Commissioning Strategy and Framework sets out the principles, strategic and legislative drivers and governance and monitoring arrangements for public health commissioning. This provides a demonstrable way of assuring that legislative and grant determination requirements are being met, whilst also support Nottingham residents to live longer and healthier lives.

31 Rough Sleeping Drug and Alcohol Treatment Grant - Key Decision

Councillor Williams, Portfolio Holder for Adults and Health, and Bobby Lowen, Commissioning Lead, presented the report, which detailed a successful bid for funding from Public Health England under the Rough Sleeping Drug and Alcohol Treatment Grant scheme and the delivery of a range of additional activity designed to help improve engagement in, and outcomes from, drug and alcohol treatment services for people sleeping rough and those who are at risk of sleeping rough.

In response to a question regarding whether local contractors would be engaged, Mr Lowen stated that they would where possible, but it would depend on the outcome of tenders.

Resolved to approve the:

- (1) receipt of funding up to a total of £1,016,042 from Public Health England for the delivery of a range of additional drug and alcohol treatment activity for people sleeping rough and those at risk of sleeping rough;**
- (2) expenditure of up to £370,056 for the delivery of this activity in 2021/22 and a further £645,986 for activity in 2022/23 (up to a maximum total expenditure of £1,016,042), subject to the receipt of funding allocated by Public Health England;**
- (3) variation to the existing contract for the provision of the Substance Misuse Treatment service, as detailed in table 1 of appendix 1 to the report, in accordance with Article 18.99 of the Contract Procedure Rules;**
- (4) expenditure to establish an internal post to contract manage the delivery of activity commissioned through the Rough Sleeping Drug and Alcohol Treatment Grant, as detailed in table 2 of appendix 1 to the report.**

Reasons for recommendations

1. Approval to take receipt of and utilise funding awarded to Nottingham by Public Health England (PHE) through the Rough Sleeping Drug and Alcohol Grant is sought to allow for a range of new interventions to be delivered to people sleeping rough in Nottingham (and those who are at risk).
2. Rough sleepers often face additional barriers to access to engagement in drug and alcohol treatment (due to a combination of factors including poor mental health, their ability to attend appointments, etc). In addition, people sleeping rough are often less able to engage with other forms of support in order to help them to move back into accommodation while they are experiencing substance misuse. The delivery of the activity funded through the Rough Sleeping Drug and Alcohol Treatment Grant will provide additional measures integrated within existing drug and alcohol treatment services (e.g. to support access and sustainment) in order to address these barriers.
3. Approval to vary the main contract for the existing drug and alcohol treatment system in Nottingham has been sought in order to ensure that the new measures are fully integrated into the main treatment options in order to serve as effective interventions. The delivery of this activity will also build on the infrastructure provided through the existing service, avoiding costs incurred through duplication of this activity in order to secure value for money. The existing service is contract managed and has been assessed as performing well. The variation of existing contracts will also allow for the immediate mobilisation of the programme in order to maximise the use of funds awarded by PHE.

Other options considered

1. Not to take receipt of the funding awarded by PHE through the Rough Sleeping Drug and Alcohol Grant. This option is not recommended on the basis that to not take receipt of the funding will lose the opportunity to assist more people to recover from drug and alcohol use and to move towards settled accommodation.

2. To procure activity for delivery through a competitive tender. This option is not recommended on the basis that activity to be funded is to be integrated within existing provision in order to improve outcomes for rough sleepers. The existing service has been assessed as performing well, and delivery of the additional activity funded through the RSDATG under the infrastructure of the existing service will offer value for money by avoiding duplication of these arrangements (e.g. management). The variation of existing contracts will also allow for the immediate mobilisation of the programme in order to maximise the use of funds awarded by PHE.

32 Locally Commissioned Public Health Services: Sexual Health - Key decision

Councillor Williams, Portfolio Holder for Adults and Health, and Uzma Bhatti, Senior Public Health Insight Manager, presented the report, which detailed Nottingham City Council's statutory responsibility to provide, or secure the provision of, under the provisions of the Health and Social Care Act (2012), open access sexual health services in its area, including:

- preventing the spread of sexually transmitted infections (STIs);
- treating, testing and caring for people with STIs and their partners;
- contraceptive services including advice on preventing unintended pregnancy and sexual health promotion.

They stated that the current Locally Commissioned Public Health Services (LCPHS) contracts, usually awarded to GPs and community pharmacy providers based on an accreditation type procurement process, were due to expire in March 2022, with no option to extend. In light of this, and due to the administration based complexities in establishing these multiple contracts with individual GP practices and pharmacy providers, it was deemed to be more efficient and better for continuity in services for citizens to adopt a cycle of 9-year flexible contracts (3+3+3 years) where NCC would retain a contract severance clause. The current contract allows for new providers to apply through an open accreditation process, and it is anticipated that this arrangement will be replicated in the new contract in order to ensure that this reflects the changing ownership and staffing seen within community pharmacies.

In response to a question regarding the current difficulty in accessing GP services, and how provision will be monitored under any new contract, Ms Bhatti stated that, as services are invoiced / paid for after provision, use of individual GPs / pharmacies can easily be monitored and providers assessed where necessary.

In response to a question as to whether the Voluntary Sector would be able to apply to be part of the scheme, Ms Bhatti stated that this was not permitted under the funding criteria as it had to be an established GP or pharmacy.

Resolved

(1) to approve:

- (a) the expenditure of £2,933.505 of Public Health Grant monies over 9 years (£325,945 per year) for the procurement of locally based GP**

and pharmacy sexual health services, on an initial 3-year contract, with an option to extend for two further 3-year periods at the sole discretion of Nottingham City Council;

- (b) an open accreditation process for the selection of providers to deliver GP and pharmacy based sexual health services;**
- (2) to delegate authority to the Director of Public Health to approve the outcomes of the accreditation process and award the contracts to the successful applicants.**

Reasons for recommendations

1. The current contracts for LCPHS sexual health services in the community are due to expire in March 2022 with no option to extend, therefore a new arrangement needs to be implemented by 1 April 2022.
2. The award of further nine-year contacts (in three year intervals) will enable ongoing opportunistic provision of sexual health services in the community for citizens at high risk of poor sexual health outcomes and those who face barriers in accessing sexual health clinics.
3. Nottingham City Council (NCC) has a statutory responsibility to provide, or secure the provision of, open access sexual health services in its area.

Other options considered

1. To not recommission LCPHS sexual health services - Not recommended as this will leave a significant gap in provision and reduce access for those at high risk of poor sexual health outcomes.
2. To award shorter term contracts – Not recommended as this will create uncertainty for providers and resources required to constantly recommission these services is counterproductive for provider and commissioners.

33 Refugee Resettlement schemes grants - Key decision

Due to apologies being received from the author of the report, Steve Oakley, Head of Contracting and Procurement, presented the report, detailing refugee resettlement work being carried out in partnership with registered charities Nottingham and Nottinghamshire Refugee Forum and Enable, on the basis of grant awards and Service Level Agreements.

Mr Oakley stated that, as of 2020, previous resettlement schemes (the 'Vulnerable Persons Resettlement Scheme' and the 'Vulnerable Children's Resettlement Scheme') had wound down, and new schemes, including the 'United Kingdom Resettlement Scheme', 'Afghan Citizens Resettlement Scheme', and 'Afghan Relocations and Assistance Policy' had been established.

Furthermore, following the emergency evacuation of Afghanistan during summer 2021, the Home Office had established several hotels nationally as temporary 'bridging' accommodation for Afghan evacuees, including the Nottingham Sherwood

Mercure, with associated funding of £28 per person per day available to claim in arrears. This funding already amounted to over £100,000, and the value may reach £1,000,000 should the contingency remain in place for a year (as suggested by Home Office estimates). It should be further noted that this arrangement was imposed on a no-choice basis. Therefore, the report sought approval for the continued participation in grant-funded refugee resettlement schemes operated by the Home Office, to the end of the financial year 2026-27, and acceptance and spend of the money associated with the schemes, as detailed in the report.

The Committee stated that, in light of the author not being present, therefore members being unable to receive answers to the questions they had, they were of the opinion that deferral of the item to a future meeting should be considered. However, in light of the timescale involved, and to enable the refugee resettlement work to continue, the following resolutions would be made.

Resolved

- (1) to approve extension of participation in refugee resettlement schemes to the end of the financial year 2026-27, and authorise acceptance and drawdown of relevant grant monies;**
- (2) to approve continuation of Accountable Body duties in support of neighbouring first-tier authorities to deliver resettlement;**
- (3) to delegate authority to the Head of Service, Community Partnerships, to award a contract worth up to:**
 - (a) £284,000 to Nottingham and Nottinghamshire Refugee Forum to deliver casework, orientation and integration services to qualifying residents until September 2022, and to approve the associated spend;**
 - (b) £112,000 from existing grant reserves to Enable to deliver English language tuition services to qualifying residents until September 2022;**
- (4) to approve commencement of a tender process for services contracts beyond September 2022, for a period to be determined, and grant delegated authority to the Corporate Director for Resident Services to award the contracts to the successful bidder;**
- (5) that the Committee did not approve recommendations 6 and 8 of the report and:**
 - (a) the Corporate Director for Resident Services be requested to submit a further report to a future meeting, detailing the reasons for those recommendations;**
 - (b) that should there be operational difficulties prior to submission of the report, the Corporate Director should consult with the Chair, who has been delegated authority in the interim to make decisions in respect of those recommendations.**

Reasons for recommendations

1. NNRF is a key partner of Nottingham City Council in provision of services to vulnerable migrants, including refugees and asylum seekers, and are the lead organisation in a successful consortium bid for NCC Communities of Identity funding. As a large charitable body operating County-wide in the migration sphere, ad hoc integration support for vulnerable migrants (including the Afghan Relocations and Assistance Policy (ARAP), Afghan Citizens' Resettlement Scheme (ACRS), and ARAP Bridging Accommodation) is likely to default to NNRF irrespective.
2. Enable is also a key partner of Nottingham City Council in development and provision of bespoke English for Speakers of Other Languages (ESOL) training for resettled refugees.
3. Provision of these services is a Home Office requirement stipulated in the Funding Instruction for local authorities (see Appendix B).
4. It is anticipated that current pledges (58 individuals) would attract £1.19m over the five year funded period.
5. Income for Nottingham City Council in FY21-22 would total approximately £240,000 (against a pledge of 28), while income drawn down and held on behalf of partner first-tier authorities (Gedling, Broxtowe, and Newark & Sherwood) would total approximately £250,000.
6. Nottingham City Council retains 8% of partner authority grant monies as management fees, which ensures resettlement is self-funded – staff time and redundancy costs are factored into this.
7. Nottingham City Council is also engaged in coordinating activity to support use of a local hotel for approximately 50 residents currently in ARAP bridging accommodation, funded at a per capita rate of £28 per day. This arrangement has been imposed on a no-choice basis by the Home Office (see Appendix C) – so far, essential services have been provided at cost by Nottingham City Council and partners, or on a voluntary basis.
8. Approaches taken to date have enabled rapid re-tailoring of services, and update and articulation of requirements in SLAs. These will provide the baseline specification for future procurement.
9. It is now necessary to invite tenders to establish the best provider to meet these specifications, and to shift provision to services contracts, requiring additional time to implement this.
10. It is therefore the intention of Community Partnerships to work with Procurement, Commissioning, and Legal colleagues to carry out a full procurement process for continuation of these services, including UKRS, ARAP, and any future commitments to cost-neutral grant-funded resettlement.

11. This report requests permission to extend the current contract award with NNRF to end of September 2022 while this process is completed, including interim exemption from procurement procedures, and permission to commence a procurement process to tender service contract(s) beyond September 2022, with delegations of authority as per recommendations above.
12. It should also be noted that central Government funding instructions are frequently changing in parameters and timescales, and are often issued after implementation has begun. UKRS funding instructions were issued in April 2021, while ARAP and ACRS funding instructions were substantially altered and reissued in August 2021. Bridging Accommodation funding instructions were not issued until 12th November 2021.

Other options considered

1. Development of a direct delivery service to meet these objectives – however, it is evident that within the current budgetary constraints, plus unpredictability around suspension of arrivals owing to COVID-19, means this is unfeasible within the current context.
2. Decline to participate in schemes – this may result in capacity reduction or closure of key voluntary services, which would displace support needs back to Nottingham City Council, without additional resources.

34 Vehicle and Machinery Tyre supply and services to NCC Fleet Services - Key decision

Andrew Smith, Assistant Fleet Manager, presented the report, which detailed the provision of vehicle and machinery tyres and associated services used by Nottingham City Council and the other members of the Nottinghamshire Transport Group Consortium, the current contract for which is due to expire on 8 February 2022.

Mr Smith stated that to comply with the Council's Contract Procedure Rules, a compliant tender process would be undertaken to ensure that a new contract was in place prior to expiry of the current one, therefore allowing all member authorities within the Consortium access to the same contracted supplier.

Further, a contract was required with a tyre supplier who would be able to provide a competitively priced solution at the level of quality Nottingham City Council expects and a specialist tyre supply and service provider/supplier would help ensure value for money was achieved by any council activity that involves the use of vehicles.

In response to a question regarding the disposal of waste tyres, Mr Smith stated that part of the tender requirements was that waste tyres were recycled, such as being used for play-area surfaces.

Resolved to approve

- (1) expenditure from the Fleet Services budget for the supply of tyres and associated services by a contracted specialist provider;**

- (2) a maximum 4-year contract, on a 2+1+1-year basis, up to the approximate value as per the exempt appendix;**
- (3) procurement of the goods and services via a tender process and delegate authority to the Director of Neighbourhood Services to award the contract(s) and extension(s) to the successful bidder.**

Reasons for recommendations

1. A tyre supply and services contract ensures that the Councils vehicles and plant tyres are maintained in a safe, legal and compliant condition within the road traffic act and enable us to comply with our Operator Licence compliance undertakings.
2. A dedicated specialist provider can maintain and fit replacement tyres and provide specialist repair services that will keep the fleet safe, legal, compliant and on the road. The specialist provider has access to tyre manufacturers and can deliver the correct specification of tyre, which is imperative as the fleet ranges from cars to tractors to commercial vehicles over 3.5 tons, within contracted time scales and at competitive prices.
3. The services will cover all areas of tyre management, ranging from the supply and fitment of tyres, puncture repairs, wheel balancing, turning tyres on rims to maximize life, disposing of old tyres (including fly-tipped tyres collected by the Council), completing regular fleet inspections and supplying various reports to the relevant Local authority managers/officers. The service will be provided 24/7 to ensure attendance at any time as required such as, for example, to deal with a punctured or damaged tyres, outside of normal operating hours.
4. The contracting company will be sourced by undertaking a tender process on behalf of the Council and the local authorities who are members of the Nottinghamshire Transport Group Consortium.

Other options considered

Consideration was made to bring the service in house but this is not viable or cost effective for the following reasons:

- we would incur costs and reduce the level of service currently provided;
- the expertise required is not available within Fleet Services team, and there are no resources within Fleet Services to absorb and carry out this specialist work, additional staff would therefore have to be recruited and trained;
- further cost in terms of additional overheads would be incurred, such as creating storage facilities and stock ordering/management processes, along with requiring staff to be on call 24/7, and for actual attendance at an incident outside of normal operating hours;
- the Council would need to purchase and equip a tyre service vehicle at an estimated cost of £50,000 to £60,000;
- the spend on purchasing the tyres would increase as Nottingham City Council would not have access to the same prices, discounts and rebates that being part of a larger Consortium affords and that a specialist supplier can command.

35 Procurement of TRCH Ticketing and CRM Software - Key decision

Councillor Campbell-Clark, Portfolio Holder for Leisure, Culture and Schools, and Peter Ireson, Venue Director, Theatre Royal / Royal Concert Hall, presented the report, informing the Committee that the current contract for hosting a ticketing and customer relationship management (CRM) software system at the venues was due to expire on 31 January 2023, therefore there was a requirement for the Council to procure a new provider to be in place from 1 February 2023.

In response to a question regarding whether this would involve a complete new system, Mr Ireson stated that it would depend on whether the current provider was the successful bidder following the tender process.

Resolved

- (1) to approve undertaking a tender process for procurement of a ticketing and CRM software system for use at the Theatre Royal and Royal Concert Hall for an initial 3-year term, with an option to extend for a further two 2-year periods;**
- (2) to note the approximate total value of the contract, as per the exempt appendix;**
- (3) to delegate authority to the Corporate Director for Resident Services to award a contract to the successful bidder.**

Reasons for recommendations

1. The contract that the Council currently has at TRCH to host a ticketing and CRM software is due to expire on 31 January 2023. There is therefore the requirement for the Council to undertake a tender exercise to procure a new ticketing and CRM software provider to be in place from 1 February 2023.
2. The approvals requested in this report will allow the Council to initiate the tender process enabling the new system to be implemented at TRCH without any interruption to its ticketing and marketing activity. This will allow the Council to meet its contractual obligations to venue hirers, event promoters and producers and to ensure that income targets continue to be met and the business remains sustainable.

Other options considered

1. The option of outsourcing the ticketing and CRM system to an external ticketing agency was considered and discounted due to the loss of control of the data and the loss of functionality and flexibility required by the diverse programme at TRCH, including classical concert subscriptions.
2. The do nothing option was considered, but discounted as the current contract will expire and the Council would be in breach of contract procedure rules if it did not procure via a compliant route.
3. A ticketing and CRM system is critical to the function of TRCH and there are no further options which can be identified.

36 Exclusion of the public

The Committee agreed to exclude the public from the meeting during consideration of the remaining items in accordance with Section 100(A) of the Local Government Act 1972 on the basis that having regard to all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, as the nature of the information could, if made public, prejudice ongoing negotiations between the authority and suppliers.

37 Vehicle and machinery tyre supply and services to NCC Fleet Services - exempt appendix

Resolved to note without discussion the exempt information.

38 Procurement of Theatre Royal / Royal Concert Hall ticketing and CRM software - exempt appendix

Resolved to note without discussion the exempt information.